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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,997	10/11/2001	Michael J. Greenside	100110073-1	3308

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EXAMINER

LEE, JINHEE J

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/976,997

Applicant(s)

GREENSIDE ET AL. *CN*

Examiner

Jinhee J Lee

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, use of the term "VersaModular Eurocard" renders this claim indefinite, since the owner of this term could change its meaning at any time. Examiner suggests generic terminology instead.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bostrom et al. (US005856632).

Re claim 1, Bostrom et al. discloses an assembly comprising: a filler panel body (40, card cage shielding contactor for example); and a locating element (lead-in flap 82 for example including part of 42) coupled to said filler panel body, said locating element adapted to orient said filler panel body with respect to a chassis (20) such that

interference generating movement of said filler panel body is reduced (see figures 1-2 and 8).

Re claim 2, Bostrom et al. discloses an assembly comprising: an attaching device (fastener 30) adapted to be coupled to said filler panel body, said attaching device for removably coupling said filler panel body to said chassis (see figure 1).

Re claim 3, Bostrom et al. discloses an assembly comprising: an electromagnetic interference shield portion (40 for example) coupled to said filler panel body, said shield portion adapted to prevent EMI leakage from said chassis (see figures 1-2 and 8).

Re claim 6, Bostrom et al. discloses an assembly comprising: said locating element with head portion (unnumbered portion, part of 42 for example); an insertion portion (82 for example) coupled to said head portion, said insertion portion adapted to be inserted into an opening in said chassis to reduce said interference generating movement of said filler panel body with respect to said chassis (see figures 1-2 and 8).

Re claim 7, Bostrom et al. discloses an assembly comprising: said locating element coupled to said filler panel body such that said head portion is flush with said filler panel body (see figures 1-2 and 8).

Re claim 8, Bostrom et al. discloses an assembly comprising: said locating element with a retention portion (unnumbered portion between 82 and part of 42 for example) coupled to said head portion and adapted to enhance coupling of said locating element and said filler panel body (see figures 1-2 and 8).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bostrom et al.

Re claim 4, Bostrom et al. substantially discloses an assembly as set forth in claim 1 with said locating element coupled to said filler panel body at a location such that said locating element will insert into a mounting hole disposed on said chassis. Bostrom et al. does not explicitly disclose that the assembly is in accordance with a compact peripheral component interconnect standard. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the assembly that is in accordance with a compact peripheral component interconnect

standard, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Re claim 5, Bostrom et al. substantially discloses an assembly as set forth in claim 1 with said locating element coupled to said filler panel body at a location such that said locating element will insert into a mounting hole disposed on said chassis. Bostrom et al. does not explicitly disclose that the assembly is in accordance with a VersaModular Eurocard standard. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the assembly that is in accordance with a VersaModular Eurocard standard, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

### ***Response to Arguments***

8. Applicant's arguments filed 7/22/03 have been fully considered but they are not persuasive.

In response to applicant's argument that "VersaModular Eurocard" of claim 5 does not render the claim indefinite, examiner disagrees. The applicant needs to either specify the requirements of the Standard or clarify the Standard with specific date and place of published standard requirements.

In response to applicant's arguments regarding claim 1, that Bostrom et al. does not provide EMI shielding and/or sealing, examiner disagrees. Most importantly, it is noted that the features upon which applicant relies (i.e., EMI shielding) are not recited in the rejected claim 1. Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, the Abstract of Bostrom et al. indicates that "the card cage **shielding** contactor...establish contact forces enhancing **electrical shielding** contact between the circuit card bracket and the computer chassis through the card cage **shielding** contactor."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "lead-in flap 82 is not part of the circuit card bracket") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that Bostrom does not teach a locating element as described, examiner disagrees. Again, "a locating element (lead-in flap 82 for example including part of 42) coupled to said filler panel body (40 for example), said locating element adapted to orient said filler panel body with respect to a chassis (20) such that interference generating movement of said filler panel body is reduced (see figures 1-2 and 8)" as claimed (see also for support column 4 lines 15-19 and lines 47-53).

### **Conclusion**

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 703-306-0154. The examiner can normally be reached on M, T, Th, F at 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 703-308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

jil  
August 15, 2003

  
DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800